

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

OLIVIA B. CHAVEZ OLSEN, an individual, Plaintiff, vs. RANDALL DELCORE, M.D., an individual, Defendant.	MEMORANDUM DECISION AND ORDER GRANTING IN PART PLAINTIFF’S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF DEFENDANT’S REPUTATION Case No. 2:07-CV-334 TS
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This matter is before the Court on Plaintiff’s Motion in Limine to Exclude Evidence of Defendant’s Reputation. In her Motion, Plaintiff seeks to exclude testimony concerning Defendant’s reputation as an orthopaedic surgeon. Defendant, in his response to Plaintiff’s Motion, states that he “does not intend to elicit testimony of Dr. Delcore’s reputation of the type that would be prohibited by Rule 404 of the Federal Rules of Evidence. Rather, Dr. Delcore will present relevant and admissible evidence of Dr. Delcore’s high level of training and education.”¹

Pursuant to Defendant’s stipulation, the Court will grant Plaintiff’s Motion to the extent that it seeks to preclude evidence of Defendant’s reputation. However, the Court will not

¹Docket No. 76, at 1-2.

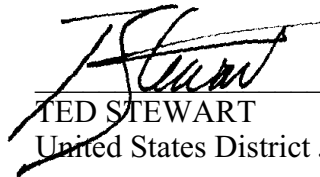
exclude evidence concerning Defendant's education and training. Such evidence concerning Plaintiff's credentials is both relevant and highly probative. Further, the probative value of such evidence is not substantially outweighed by its prejudicial effect or its potential to confuse the issues or mislead the jury.

It is therefore

ORDERED that Plaintiff's Motion in Limine to Exclude Evidence of Defendant's Reputation (Docket No. 43) is GRANTED IN PART.

DATED September 24, 2009.

BY THE COURT:



TED STEWART
United States District Judge